

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1082

Introduced by Assembly Member Torrico

February 27, 2009

An act to add Section 139 to the Health and Safety Code, to add Section 646.95 to the Penal Code, and to add Sections 6051.8 and ~~6201.7~~ 6201.8 to the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1082, as amended, Torrico. Sales and use taxes: Domestic Violence Prevention *and Sexual Abuse* Fund: Domestic Abuser Surveillance Fund.

The Sales and Use Tax Law imposes a tax on the sale of or the storage, use, or other consumption of tangible personal property in this state at specified rates.

This bill would, in addition, impose a tax on the sale of, or the storage, use, or other consumption of, tangible personal property that is harmful matter, as defined, in this state at a rate of ~~_____~~ 12%. This bill would create the Domestic Violence *and Sexual Abuse* Prevention Fund and the Domestic Abuser Surveillance Fund and would require that all revenues, less refunds, derived from the 12% tax be transferred to ~~the funds~~ *each fund in a specified percentage*. This bill would continuously appropriate all of the money in the Domestic Violence *and Sexual Abuse* Prevention Fund to the State Department of *Public Health Services and the California Emergency Management Agency* for programs ~~that support survivors of preventing domestic violence and assisting victims of sexual assault, sexual crimes, and domestic violence, and in~~ *The the*

Domestic Abuser Surveillance Fund to the Department of Corrections and Rehabilitation to fund a ~~tracking~~ system *for the electronic surveillance* of domestic abusers and stalkers.

This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

This bill would take effect immediately as a tax levy.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 139 is added to the Health and Safety
2 Code, to read:

3 139. The Domestic Violence *and Sexual Abuse* Prevention
4 Fund is hereby established in the State Treasury. Notwithstanding
5 Section 13340 of the Government Code, all moneys in the fund
6 are hereby continuously appropriated, without regard to fiscal year,
7 to the ~~State Department of Health Services for programs that~~
8 ~~support survivors of sexual assault, stalking, domestic violence,~~
9 ~~and rape.~~ *State Department of Public Health and the California*
10 *Emergency Management Agency to fund domestic violence*
11 *prevention programs and programs assisting victims of sexual*
12 *assault, sexual crimes, and domestic violence.*

13 SEC. 2. Section 646.95 is added to the Penal Code, to read:

14 646.95. The Domestic Abuser Surveillance Fund is hereby
15 established in the State Treasury. Notwithstanding Section 13340
16 of the Government Code, all moneys in the fund are hereby
17 continuously appropriated, without regard to fiscal year, to the
18 Department of Corrections and Rehabilitation for programs to
19 monitor an offender who is on parole for domestic violence or
20 stalking, or sentenced to probation for domestic violence or
21 stalking, or on a conditional discharge for a violation of an order
22 of protection, to be placed under an electronic surveillance system
23 that will both allow peace officers to speak to the offender through
24 the surveillance device and warn potential victims of the offender's
25 presence in a forbidden zone.

26 SEC. 3. Section 6051.8 is added to the Revenue and Taxation
27 Code, to read:

6051.8. (a) In addition to any other taxes imposed by this part, for the privilege of selling tangible personal property that is harmful matter, as defined by Section 313 of the Penal Code, at retail, a tax is hereby imposed upon all retailers at the rate of ~~_____ percent~~ *12 percent* of the gross receipts of any retailer from the sale of all tangible personal property that is harmful matter sold at retail in this state.

(b) Notwithstanding any other provision of this part, all revenues, less refunds, derived from the ~~_____~~ *12 percent* tax imposed pursuant to this section shall be transferred as follows:

(1) ~~_____~~ *Forty* percent to the Domestic Violence *and Sexual Abuse* Prevention Fund created by Section 139 of the Health and Safety Code.

(2) ~~_____~~ *Sixty* percent to the Domestic Abuser Surveillance Fund created by Section 646.95 of the Penal Code.

SEC. 4. Section ~~6201.7~~ *6201.8* is added to the Revenue and Taxation Code, to read:

~~6201.7.~~

6201.8. (a) In addition to the taxes imposed by any other provision of this part, an excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property that is harmful matter, as defined by Section 313 of the Penal Code, purchased from any retailer for storage, use, or other consumption in this state at the rate of ~~_____~~ *12 percent* of the sales price of the property.

(b) Notwithstanding any other provision of this part, all revenues, less refunds, derived from the ~~_____ percent~~ *12 percent* tax imposed pursuant to this section shall be as follows:

(1) ~~_____~~ *Forty* percent to the Domestic Violence *and Sexual Abuse* Prevention Fund created by Section 139 of the Health and Safety Code.

(2) ~~_____~~ *Sixty* percent to the Domestic Abuser Surveillance Fund created by Section 646.95 of the Penal Code.

SEC. 5. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.